

**OCR Electronic Appeals Form**

\* Required fields.

\* OCR Case number: - -

If you have multiple cases you would like to appeal, you must submit a separate form for each one.

\* Institution against which the complaint was filed:

Mississippi Gulf Coast

\* Your name:

Maggie S. Russell

Community College: Jett Davis

Only a person originally named as a complainant in a case may file an appeal. If you would like someone else to file an appeal on your behalf, you must first provide OCR with your written authorization (unless OCR has already received such authorization earlier in the case). If the complaint was filed on behalf of a minor child who has since reached the age of majority (18), that child must provide OCR their written authorization to proceed before an appeal may be filed.

**Date of the determination and/or dismissal that you want to appeal:**

This is the date on the letter you are appealing. You have 60 calendar days from this date to file your appeal. If you wish to file an appeal more than 60 days after the date of the determination, you must request a waiver of the 60-day timeliness requirement and provide the reason you did not file within the 60-day period. Waivers are discretionary.

**Reason for not filing appeal within 60 days:** [3000-character limit]

**Allegation that is the subject of your appeal:**

- ☐ race or color
- ☐ national origin
- ☐ disability
- ☐ sex
- ☐ age
- ☒ retaliation because you filed a complaint or asserted your rights
- ☐ Boy Scouts Equal Access Act

If there is only one allegation investigated in your case, you can leave this blank. If there was more than one allegation investigated in your case, you must specify the allegation you are appealing, or your appeal may not be processed.

**Basis for appeal:** [15,000 character limit]

When you fill in the text box blanks explaining the basis for your appeal, you may wish to refer to specific, identified evidence in the record (e.g., "I submitted the October 15, 2017 IEP along with my complaint"). In the appeal, you must explain why you believe the factual information was incomplete, inaccurate, the legal analysis was incorrect of the appropriate legal standard was not applied, and how correction of any errors would change the outcome of the case.

**Supporting documentation:**

**Do not re-submit documentation that you previously submitted to OCR.** If you have documentation that supports your appeal and that was not previously submitted to OCR, you should forward it, electronically or by mail, to Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; if electronically, to [OCR@ed.gov](mailto:OCR@ed.gov); if via fax, to 202-453-6012. Include the OCR case number in your submission.

Supporting documentation must be submitted to the regional office within 10 (ten) calendar days of your submission of the appeal.



**From:** Susan Russell <[susanrussell@cableone.net](mailto:susanrussell@cableone.net)>

**Sent:** Friday, January 22, 2021 4:11 PM

**To:** Payton, Charlotte (Contractor) <[Charlotte.Payton@ed.gov](mailto:Charlotte.Payton@ed.gov)>

**Subject:** Re: Maggie Russell-Disability Discrimination and Retaliation by the Mississippi Gulf Coast Community College, the Jeff Davis Campus and the U.S. Department of Education, OCR, Dallas, TX

Good Afternoon, Ms. Payton,

The office in Atlanta, on January 20, 2021, informed me that you do not do appeals in that office and told me to contact the office in Dallas. Consequently, when I contacted the Dallas office, they informed me that they do not do appeals either and that I should contact the Atlanta office. What does that say about the U.S. Department of Education Office for Civil Rights in Atlanta and Dallas? I will be forwarding my paperwork via an attorney to Washington and inform them of your response. Thank you for the update. Susan Russell

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**From:** "Payton, Charlotte (Contractor)" <[Charlotte.Payton@ed.gov](mailto:Charlotte.Payton@ed.gov)>

**To:** "Susan Russell" <[susanrussell@cableone.net](mailto:susanrussell@cableone.net)>

**Sent:** Friday, January 22, 2021 2:24:40 PM

**Subject:** RE: Maggie Russell-Disability Discrimination and Retaliation by the Mississippi Gulf Coast Community College, the Jeff Davis Campus and the U.S. Department of Education, OCR, Dallas, TX

Dear Ms. Russell:

Thank you for your correspondence inquiring into the status of your appeal request.

Please be advised that your complaint was resolved pursuant to Section 302 of OCR's Case Processing Manual (CPM), meaning that the allegations under investigation were resolved with a resolution agreement entered into between the Recipient and OCR. Complaints resolved pursuant to Section 302 may not be appealed; therefore, your appeal has been dismissed.

This is a final determination and there is no appeal of this decision available.

We regret that we could not be of further assistance to you in this matter.

Sincerely,

**Charlotte Payton**

Contract Paralegal

U.S. Department of Education

Office for Civil Rights (Region IV)

Ms. Russell-

OCR Atlanta did not inform you that this region does not handle appeals in this region. OCR Atlanta handles the appeals on behalf of the OCR Dallas region. However, we can only address appeals over which we have jurisdiction and we cannot address this appeal because we do not have authority to review this matter. We do not have jurisdiction to address your appeal because, pursuant to Sections 302 and 307 of OCR's Case Processing Manual, you may not appeal a complaint that has been resolved pursuant to the terms of a resolution agreement.

The information that Ms. Payton provided to you is correct: the appeal that you submitted in response to the above-referenced complaint is not subject to appeal pursuant to OCR's Case Processing Manual. <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

I'm sorry that we could not be of further assistance.

OCR Customer Service Team

**From:** Erickson, Jana <Jana.Erickson@ed.gov>

**Sent:** Friday, January 22, 2021 4:32 PM

**To:** OCR Atlanta <OCR\_Atlanta@ed.gov>

**Subject:** FW: Maggie Russell-Disability Discrimination and Retaliation by the Mississippi Gulf Coast Community College, the Jeff Davis Campus and the U.S. Department of Education, OCR, Dallas, TX

**From:** Payton, Charlotte (Contractor) <[Charlotte.Payton@ed.gov](mailto:Charlotte.Payton@ed.gov)>

**Sent:** Friday, January 22, 2021 4:20 PM

**To:** Susan Russell <[susanrussell@cableone.net](mailto:susanrussell@cableone.net)>

**Subject:** RE: Maggie Russell-Disability Discrimination and Retaliation by the Mississippi Gulf Coast Community College, the Jeff Davis Campus and the U.S. Department of Education, OCR, Dallas, TX

Ms. Russell:

I am sorry if you received conflicting information in your communications with OCR. OCR Atlanta processes appeals for investigations arising from the Dallas office and vice versa. Since your complaint originated in Dallas, your appeal was sent to the Atlanta office for processing. Unfortunately, there was no basis for processing your appeal, pursuant to OCR's Case Processing Manual, and we were required to dismiss it.

Sincerely,

**Charlotte Payton**

Contract Paralegal

U.S. Department of Education

Office for Civil Rights (Region IV)

61 Forsyth St. SW

Suite 19T10

Atlanta, GA 30303

(404) 974-9250

[Charlotte.Payton@ed.gov](mailto:Charlotte.Payton@ed.gov)